

DOCKET FILE COPY ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

RECEIVED

APR - 7 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Section 73.622(b)
Digital Television Table of Allotments
(Yuma, Arizona)

)
)
)
)
)
)

MB Docket No. 02-151

To: The Commission

SUPPLEMENT TO COMMENTS

Arizona Western College ("AWC"), by its counsel, hereby submits this Supplement to its Comments in this proceeding. This Supplement advises the Commission of a proposed change in the reference site for the allotment. Details follow.¹

By letter dated, April 23, 2003, Clay Pendarvis, Associate Chief, Video Division, Media Bureau, informed AWC that Mexican authorities had registered an objection to AWC's proposal on the grounds that it failed to adequately protect Channel 38, Mexicali, B.C. Subsequent to that letter, Mexican authorities revised the objection, raising concerns regarding the protection of Channel 25, Mexicali, B.C.

No. of Copies rec'd 014
List A B C D E

¹ Good cause exists for accepting and considering this Supplement. The amendment to AWC's proposal is responsive to an allocation issue with Mexico. In addition, consideration of this amendment is in the public interest since the proposed addition of Channel 24 to Yuma, Arizona would give that community its first noncommercial digital television service

In order to address Mexico's concerns, AWC proposes to change its transmitter site location from reference coordinates Latitude 32°56'57", Longitude 114°36'46" to Latitude 32°40'14", Longitude 114°20'06". This moves the proposed site 17.9 km further from the Mexicali Channel 25 allotment site. In addition, AWC proposes to decrease its nondirectional effective radiated power ("ERP") from 540 kW to 450 kW and its antenna height above average terrain ("HAAT") from 490 to 379 meters. The proposed change in transmitter site location in conjunction with the reduction in ERP and HAAT should obviate any concerns regarding the protection of Channel 25, Mexicali B.C.

AWC's proposed amendment satisfies Commission allocation requirements, except for a pending application for operation on Channel 26 at Brawley, California (BPET-19960920WU). See Exhibit A. However, the Brawley applicant has consented to the short-spacing. See Agreement between AWC and the California State University for San Diego State University, attached hereto as Exhibit B. In addition, there is no interference issue with the pending Channel 26 application inasmuch as no interference is caused to the application facility based on OET-69 procedures and, in any event, the applicant filed a Petition for Rule Making on July 17, 2000 proposing to change its channel to 43. See MM Docket No. 03-48. Finally, the amendment to AWC's proposal satisfies principal community coverage requirements. With this change, as set forth herein, the only issue remaining relative to a grant of AWC's proposal and issuance of a Report and Order will have been satisfied.

CONCLUSION

Accordingly, AWC urges favorable action on its proposal, as amended, as soon as possible.

Respectfully submitted,

ARIZONA WESTERN COLLEGE

By: 

William K. Keane

Sarah E. Rogers

DUANE MORRIS LLP

Suite 700

1667 K Street NW

Washington, D.C. 20006-1608

(202) 776-5243


Its Counsel

April 7, 2004

CERTIFICATE OF SERVICE

I, William K. Keane, hereby certify that I have deposited the attached Supplement to Comments in the U.S. Mail, first class postage prepaid, this 7th day of April 2004, addressed as follows:

Margaret Miller
Dow Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, NW
Suite 800
Washington, D.C. 20036-6802



William K. Keane

EXHIBIT A

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF AN
AMENDMENT TO THE PENDING
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
NEW DTV STATION
YUMA, ARIZONA

Technical Summary

This technical narrative and associated exhibits have been prepared on behalf of Arizona Western College in support of an amendment to the pending Petition for Rule Making to amend the Digital Television Table of Allotments, 47 C.F.R. Section 73.622(b), to add reserved noncommercial Channel 24* at Yuma, Arizona. The addition of channel 24 would give the community of Yuma its first noncommercial digital television service.

Arizona Western College filed its channel 24 petition for rule making on April 8, 2002, however on April 23, 2003 the FCC issued a letter stating that the Mexican government objected to the proposal because it had failed to protect channel 38 of Mexicali, B.C. The Mexican government subsequently objected to the proposal citing failure to protect channel 25 at Mexicali, B.C. Therefore, this amendment is prepared in response to the Mexican objection, in order to eliminate the allocation issue with Mexico.

The pending Rule Making facility (BPRM-20020408ABP) proposes operation on channel 24 (530-536 MHz) with a non-directional effective radiated power (ERP) of 540 kilowatts and an antenna radiation center height above average terrain (HAAT) of 490 meters. It is proposed to amend this facility by changing transmitter site location and decreasing both the non-directional ERP and antenna HAAT.

An allocation study was conducted from the proposed site location (N 32-40-14 W 114-20-06), and the study results indicate that the channel 24 proposal will satisfy all of the Commission's allocation requirements, except to a pending application (BPET-19960920WU) for NTSC operation on channel 26 at Brawley, California. However, Arizona Western College has an agreement with the Brawley applicant, no interference is caused to the application facility based on OET-69 procedures, and the applicant filed a Petition for Rule Making on July 17, 2000 to change is channel to 43. Therefore, it is believed the pending channel 26 application is not an allocation issue.

DTV channel 24 can be substituted and allotted to Yuma, Arizona in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates Latitude 32°40'14", Longitude 114°20'06. In addition, operation on DTV channel 24 appears possible with an effective radiated power (ERP) of up to 450 kW utilizing a non-directional antenna and an antenna height above average terrain (HAAT) of 379 meters. The proposed channel change is acceptable under the 2 percent criterion for *de minimis* impact applicable to DTV allotment modifications under Section 73.623(c)(2).

The proposed facilities (ERP 450 kW/HAAT 379 meters) do not exceed the nominal maximum permitted pursuant to Section 73.622(f)(8)(i). Thus, it is proposed to specify a DTV allotment on channel 24 at Yuma with the following specifications:

State & City	DTV Channel	DTV ERP (kW)	Antenna HAAT (m)
AZ, Yuma	*24	450	379

It is also proposed to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, as follows:

<u>City</u>	<u>Channel No.</u>	<u>Present</u>	<u>Proposed</u>
Yuma, Arizona		16,41	16,*24,41

It is proposed to allot DTV channel 24 at Latitude 32°40'14", Longitude 114°20'06". It is proposed to operate with an antenna radiation center height above mean sea level (RCAMSL) of 527 meters, an antenna radiation center height above average terrain of (HAAT) of 379 meters and a non-directional ERP of 450 kW.

Figure 1 is a DTV channel 24 separation study toward other NTSC and DTV allotments based on a 100 kilometer "buffer". As mentioned above, the proposed operation satisfies all of the Commission's allocation requirements, except to a pending application (BPET-19960920WU) for NTSC operation on channel 26 at Brawley, California.

Figure 2 provides a summary of interference and service for the proposed channel 24 allotment. Determination of interference and service was based on the procedures outlined in OET Bulletin No. 69 and criteria contained in Sections 73.622 and 73.623 of the FCC's rules.¹ It is believed that the proposed channel 24 operation is in full compliance with the FCC's 2%/10% interference criteria. In addition there are no spacing violations or contour overlap to Class A stations.

Figure 3 is a map which depicts the 48 dBu and 41 dBu, noise limited contours for the proposed channel 24 DTV

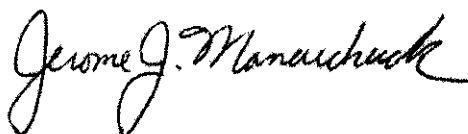
¹ The du Treil, Lundin & Rackley, Inc. DTV interference analysis program is based on the program and procedures outlined by the FCC in the Sixth Report and Order, subsequent Memorandum Opinion and Order; and FCC OET Bulletin No. 69. A nominal grid size resolution of 2 km was employed. A Sun based processor computer system was employed. The results have been found to be in very close agreement with the results of the FCC implementation of OET Bulletin No. 69.

operation. As shown, all of Yuma is located within the 48 dBu contour. Therefore, the proposed channel 24 DTV allotment will comply with the city coverage requirements contained in Section 73.625(a).

The proposal is located within the border area of Mexico, therefore, coordination with Mexico is respectfully requested.

Conclusion

UHF DTV channel 24 can be added as the first reserved noncommercial digital television service at Yuma, Arizona in compliance with the FCC's rules concerning DTV allotment changes. The proposed change in transmitter site location in conjunction with a reduction in ERP and HAAT will reduce the possibility of interference to the channel 25 Mexicali facility.



Jerome J. Manarchuck

du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 34237
(941) 329-6000
JERRY@DLR.COM

April 2, 2004

FIGURE 1

CDBS TV/DTV SEPARATION STUDY

Job Title: Proposed DTV, Yuma, Arizona
 Channel: 24 (DTV) Zone: II

Separation Buffer: 100 km
 Coordinates: 32-40-14 114-20-06

Call FID	City St	File Status Num.	Chan. Zone	ERP-kW HAAT-m	DA ID	Latitude Longitude	Bearing (deg.)	Distance (km)	Required (km)
97712	MEXICALI BN	C	20(+) II			32-39-30 115-29-05	269.6	107.6	32.0 Clear
NPRM 136898	YUMA AZ ADD C	BPRM 20020408AB	24 II	540.0 490	ND	32-56-57 114-36-46	320.1	40.4	
(This amendment proposes to change the Yuma DTV channel 24 allotment reference point)									
KTVK-DT 40993	PHOENIX AZ CP	BMPCD C 20020531AA	24 II	1000 0 501	DA 43557	33-20-01 112-03-45	70.2	224.7	223.7 Clear
DKTVK	PHOENIX AZ DTV ALLOTMENT		24 II	1000 0 542	DA	33-20-01 112-03-45	70.2	224.7	223.7 Clear
	ENSENADA BC MEX		24 III			31-53-26 116-37-50	248.7	232.5	223.0 Clear
KVCR-TV 58795	SAN BERNARD CA LIC C	BLET 19831021KG	24(-) II	1320.0 509		33-57-57 117-17-05	298.5	310.0	244.6 Clear
	MEXICALI BC MEX		25 III			32-36-41 115-29-39	266.8	108.7	88.0 Clear
97928	SONOITA SO	C	25(+) II			31-51-52 112-41-30	119.7	178.6	88.0 Clear
K25AL 36317	LAKE HAVASU AZ LIC C	BLTTL 19850927IA	25(N)	1.28	DA 16237	34-29-28 114-19-44	0.2	201.9	Class A
960920 83968	BRAWLEY CA APP C	BPET 19960920WU	26(Z) II	5000 0 468	DA 37146	33-03-10 114-49-40	312.9	62.6	<24.1, >96.6 Short
(Petitioner has an agreement with Brawley applicant)									
Allot. 83968	BRAWLEY CA	C	26(Z) II			32-58-45 115-32-03	287.4	117.4	96.6 Clear
98171	SONOITA SO	C	31(-) II			31-51-52 112-41-30	119.7	178.6	95.0 Clear
98203	MEXICALI BN	C	32(+) II			32-39-00 115-28-00	269.1	105.9	32.0 Clear
98453	MEXICALI BN	C	38(Z) II			32-39-00 115-28-00	269.1	105.9	95.0 Close

Figure 2

TECHNICAL EXHIBIT
 PREPARED IN SUPPORT OF
 AN AMENDMENT TO THE PENDING
 PETITION FOR RULE MAKING TO
 MODIFY THE DTV ALLOTMENT TABLE
 YUMA, ARIZONA

Interference and Service Summary

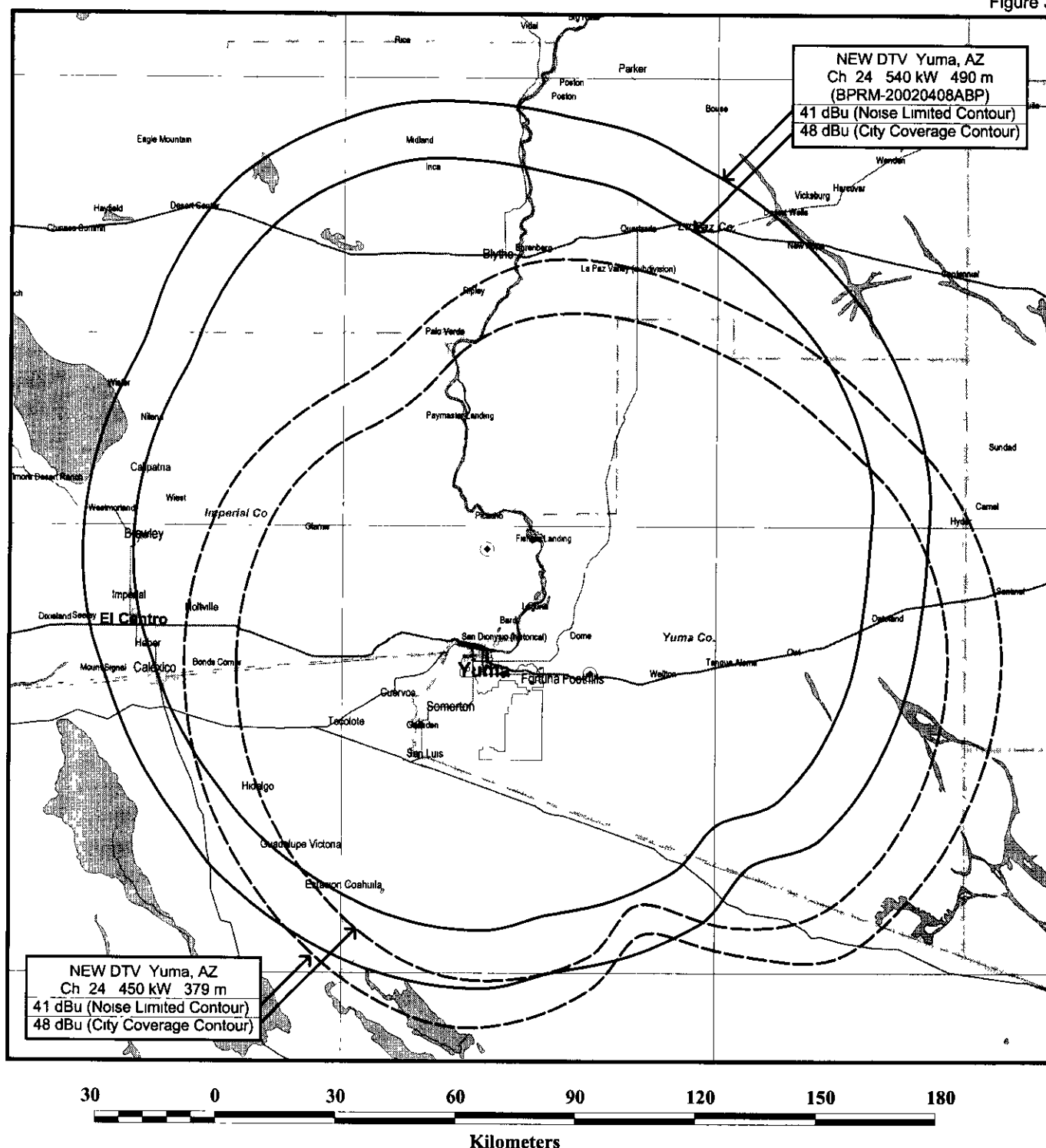
I. Interference Caused

Protected Station	FCC Service Population	Unique Interference Population
KTVK-DT, DTV Ch. 24 Phoenix, AZ Allotment	2,233,559	663 (0.03%)
KVCR-TV, NTSC Ch. 24 San Bernardino, CA Licensed	10,755,797	51 (0.00%)
KVVU-DT, DTV Ch. 18 Henderson, NV Allotment	--	0 (0.00%)
NEW, NTSC Ch. 26 Brawley, CA Application	232,039	2,058 (0.89%)

II. Service

	Population within
Within Noise-Limited Contour	119,813
Not Affected by Terrain Losses	118,736
Lost to NTSC Interference	0
Lost to DTV Interference	71
Total Service	118,665

Figure 3



PREDICTED COVERAGE CONTOURS

NEW DTV STATION
 YUMA, ARIZONA
 CH 24 450 KW 379 M

du Treil, Lundin & Rackley, Inc. Sarasota, FL

EXHIBIT B



March 15, 2004

Mr. Doug Myrland
General Manager
Station KPBS
5200 Campanile Drive
San Diego, CA 92182-5400

Dear Mr. Myrland:

This is to confirm the agreement between us relative to our respective proposals pending before the Federal Communications Commission for new television allocations.

The Board of Trustees, the California State University for San Diego State University ("SDSU") has pending an application for a new analog television station at Brawley, CA. That application was filed September 20, 1996 and proposes Channel 26. However, SDSU has proposed in its pending rulemaking to substitute Channel 43 for Channel 26. See MM Docket No. 03-48. It is understood that the SDSU application for Channel 26 has encountered objections from Mexico on the grounds of potential interference to a Mexicali allotment on Channel 25 [this will need to be revised as necessary].

Arizona Western College ("AWC") has proposed the allocation of DTV Channel 24 at Yuma, AZ. AWC is in the process of amending its rulemaking proposal to specify a reference transmitter site further removed from Mexicali at a lower height and a lower ERP. See MB Docket No. 02-151.

The SDSU and amended AWC reference sites are fully-spaced to each other. That is to say, the amended site for our Yuma proposal would be fully-spaced to your reference site for the Channel 43 proposal. We are also advised by our consulting engineer that, even from the Channel 26 application site, any interference between our two facilities would be non-existent. A copy of his analysis is contained in the memorandum being supplied herewith.

Under the foregoing circumstances, AWC agrees to accept any interference that we might receive from your operation, whether the site be that specified in the Channel 26 application or the Channel 43 rulemaking.

WSH\110087.1

Mr. Doug Myrland
March 15, 2004
Page 2

Conversely, by your signature below we understand that SDSU agrees to accept any interference which it might receive from AWC operating on Channel 24 at the amended site, provided that the parameters proposed in AWC's application do not present any greater risk of interference to SDSU than as set forth in AWC's amended rulemaking proposal.

It is our intention to file this letter with the Commission as part of the public record in MB Docket No. 02-151.

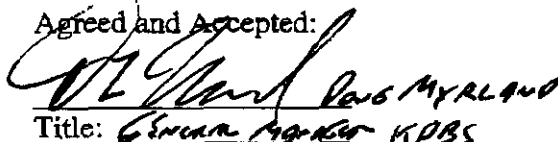
Thank you for your cooperation.

Sincerely,



Tim Shove
Vice-President, Information Technology
and Learning Resources

Agreed and Accepted:



Title: General Manager, KPBS

Date: 3/22/04